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7 MAY 1969

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Proposed Legislation - Unauthorized Disclosures

REFERENCE: Memo dtd 26 Dec 68 fr OLC and OGC to DCI,  
Same Subject

1. This memorandum contains a recommendation in paragraph 5 for approval by the Director of Central Intelligence.

2. To tighten up on unauthorized disclosures we drafted last year an amendment to 50 U.S.C. 783(b) which would make it a crime for Government employees or former employees to communicate classified information to "an unauthorized person" instead of the present language, "to an agent or representative of any foreign government." This would broaden considerably the so-called Scarbeck statute, and our proposal was approved by Assistant Attorney General J. Walter Yeagley.

3. You approved careful exploration of legislative action with Senator James O. Eastland, provided the Agency was not identified as the proponent and would not be called as a witness. The Senate has no suitable vehicle for quiet passage of this provision this year, so we discussed the matter with Mr. Francis J. McNamara, on the staff of the House Committee on Un-American Activities. He was sympathetic and thought the matter could be handled in an omnibus bill. This Committee is now the House Internal Security Committee and has a new Chairman, Representative Richard H. Ichord. Mr. McNamara has been replaced by Mr. Donald G. Sanders, who has the proposal on revised 783(b) from Mr. McNamara without notice of Agency interest.

4. Mr. Sanders was with the Federal Bureau of Investigation for about ten years, and he and Mr. Ichord tend to rely on the FBI for advice and assistance. Mr. McNamara felt if they could be informed of FBI approval of the amendment, it would have considerable influence. We

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have discussed this with Sam Papich, who says that his division is favorable to the amendment. He proposed a letter from the Director of Central Intelligence to the Director, Federal Bureau of Investigation, with a copy to the Attorney General, so that the Department of Justice would be brought fully aboard. We feel the less put in writing the better, and that the next initiative would be an informal discussion of the amendment between you and the Attorney General. If you agree, there should be an opportunity for Mr. Papich to inform Mr. Hoover that you intend to make such an approach. If the Attorney General agreed with an attempt to get the amendment into the House omnibus bill, we could then coordinate with the FBI and the Department of Justice on the best means of approaching Mr. Ichord and Mr. Sanders.

5. It is recommended that you informally request the views of the Attorney General on the proposed revision of 50 U.S.C. 783(b).



STAT

JOHN M. MAURY  
Legislative Counsel

CONCUR:

LS/  
LAWRENCE R. HOUSTON  
General Counsel

8 May 1969  
Date

The recommendation in  
paragraph 5 is approved

LS/  
RICHARD HELMS  
Director

12 May 1969  
Date

Distribution:

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